**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.7397 OF 2004

1. The Chairman,
Anjuman Moinut Tuba, and anr. .. Petitioners

Vs

1. Shaikh Yunus Shaikh Ismail
and ors. .. Respondents

Mr A.R.Shaikh, for the petitioners.

Mr C.G.Gavnekar for respondent nos 1 and 2.

Mr D.A.Patil, AGP for respondent-State.

**CORAM : D.B.BHOSALE,J.**

**DATE : 5th October, 2004.**

**PC:**

1. Heard the learned counsel for the parties.

2. The petitioners have impugned the order dated 23.8.2004 passed by the learned Addl. District Judge, Malegaon, District-Nashik, below Exhibit 28 in Civil Misc Appeal No.51/2003, by which the Court has given the following directions :-

> "The original defendants no. 1 and 2, i.e present appellants are directed to give admission to the student namely Shirin Ghohar d/o Shaikh Yunus Shaikh Ismail in the 1st Standard of their

school with immediate effect.

Original plaintiff no.1 Yunus Shaikh (present respondent no.1) is directed to deposit Rs.700/- (Rs.Seven hundred) with original defendants no.1 and 2.

The Administrative Officer, Mahanagar Palika Shikshan Mandal, Malegaon who is respodnent no.3 in this proceeding to take note of this order and report the compliance within one week about the admission of the girl Shirin Ghohar d/o Shaikh Yunus by condoning the delay, if any, for the admission."

3. The child Shirin Ghohar was in the petitioners-school for two years in junior and senior K.G. Her result was withheld for nonpayment of the enhanced fees. It has come on record that the petitioners-school was demanding fees of Rs.1800/- per annum. The trial Court, while allowing Exhibit-5 application, restrained the petitioners from enhancing the fees above Rs.1250/- per annum. The issue is still pending in the instant suit as to whether the petitioners-institution is entitled to demand Rs.1800/- fees per annum. There is no dispute that the father of the child has already deposited Rs.1800/-towards the fees of two years and the Court has directed him to

further deposit Rs.700/- by the impugned order. Keeping that in view and considering that the petition is directed against the interlocutory order, no case for interference in the ad-interim order impugned in the petition is made out. In my opinion, an appropriate course would be to direct the Appellate Court to dispose of the appeal expeditiously. This petition, therefore, fails and is dismissed as such. The Appellate Court shall decide Misc.Civil Appeal No.51 of 2003 as expeditiously as possible and preferably within a period of six months from today.

4. In the meantime, the petitioners-institution is directed to comply with the directions given in the impugned order. Needless to state that the respondent shall comply with the other formalities, if any, which are required to be complied with for seeking admission of his child in the school.

. An authenticated copy of this order may be made available to the parties.

**(D.B.BHOSALE, J.)**